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MAR 12 2004

**In the United States Patent & Trademark Office**

**Docket No. LEAPS-C4**

**OFFICIAL**

**Applicants: M. Seul**

**Group Art Unit: 1641**

**Examiner: P. Do**

**Serial No.: 09/690,040**

**Filed: 10/17/2000**

**For: Light-controlled electrokinetic  
assembly of particles near surfaces**

**Petition under MPEP 1306.2 for Simultaneous Issue of Patent**

Commissioner for Patents  
PO BOX 1450  
Alexandria VA 22313-1450

Dear Sir:

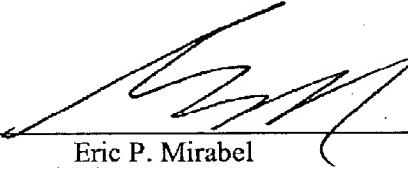
On Sept. 18, 2003, under MPEP 1306.2 Applicant submitted, by fax, a Petition for Simultaneous Issue of Patent. At that time, Applicant believed that the issue fee had been paid earlier, by mail. Apparently, although the issue fee had been properly sent by first class mail, it had not been received by the PTO. With the Petition sent by fax on Sept. 18, 2003, the issue fee transmittal was again attached. However, this fax was also apparently not received by the PTO.

On March 1, 2004, Applicant re-faxed the Petition and Issue fee Transmittal directly to SPE Long Le. This time, the issue fee transmittal was received, and it has been paid. Along with the Issue fee transmittal, Applicant also submitted the Petition of Sept. 18, 2003. Applicant has a serious need to have the application allowed immediately, and that need is more urgent now than it was in September 2003, when the petition was first

submitted. Accordingly, Applicant petitions for the issuance of the patent, in accordance with MPEP 1306.2.

It is noted that, in accordance with MPEP 1306.2, this petition was properly submitted at the time the issue fee transmittal was sent to Long Le (March 1, 2004). Because it was sent with the issue fee transmittal which was received and entered, it was submitted in accordance with the rules, and therefore it should be allowed, especially in view of the added delay Applicant has been subjected to by the PTO's loss of the issue fee transmittal twice. Had that not occurred, the patent would have already been issued. Accordingly, Applicant petitions to have the patent issue immediately.

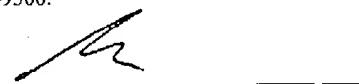
Respectfully Submitted,

BY: 

Eric P. Mirabel  
Reg. No. 31,211  
Bioarray Solutions, Ltd.  
35 Technology Drive  
Warren NJ 07059  
(908) 226 8200 (ext 203)

The Commissioner is hereby authorized to charge any fees due in connection with this submission and not otherwise covered by payment included herewith, or to credit any overpayment, to Deposit Account No. 502088.

I hereby certify that, on the date indicated below, this correspondence was faxed to Commissioner for Patents, at (703) 872-9306.

By: 

Date: 3/12/04

## PATENT

ATTORNEY DOCKET NO.: LEAPS-Con4

CUSTOMER NO: 36038

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
Michael Seul )  
Serial No.: 09/690,040 ) Group Art Unit: 1641  
File: 10/17/2000 )  
Allowed: 7/24/2003 )  
For: Light-Controlled Electrokinetic Assembly ) Examiner: P. Do  
of Particles Near Surfaces )  
)

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

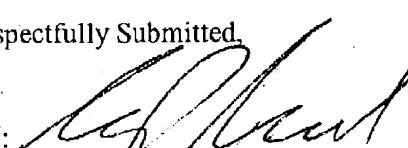
## Request/Petition for Simultaneous Issue of Patent

Dear Sir:

Pursuant to MPEP 1306.2, Applicants hereby requests or in the alternative petitions for immediate issuance of the above application as a patent. The request is made now, and was not made when the issue fee transmittal was mailed to the PTO on 7/31/03, because it has since then come to the attention of Applicant that a potential competitor will commercially launch infringing subject matter within the next few days -- well before the time a patent is otherwise expected to issue. A copy of the Issue Fee Transmittal (previously sent in) follows. Please charge any fee due in connection with this request to Deposit Account No. 502088.

Respectfully Submitted,

BY:

  
Eric P. Mirabel  
Reg. No. 31,211  
Bioarray Solutions, Ltd.  
35 Technology Drive  
Warren NJ 07059  
(908) 226 8200 (ext 203)

Date: 9/18/03

I, Eric P. Mirabel, certify that, on the date indicated above, this correspondence and all attachments indicated herein are being faxed to the Assistant Commissioner for Patents, at (703) 746-5291

Mar 12 04 04:54p

bioarray solutions

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PATENT

ATTORNEY DOCKET NO.: LEAPS-Con4

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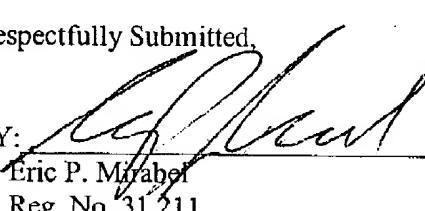
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